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## Riigikogu Election Act

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RT I 2002, 57, 355  
entered into force pursuant to § 86.

Amended by the following acts

Passed	Published	Entry into force
12.02.2003	RT I 2003, 26, 156	21.03.2003
18.12.2003	RT I 2003, 90, 601	01.01.2004
21.01.2004	RT I 2004, 6, 32	14.02.2004
24.03.2004	RT I 2004, 22, 148	08.04.2004
22.09.2004	RT I 2004, 71, 501	29.10.2004
09.06.2005	RT I 2005, 37, 281	10.07.2005
07.06.2006	RT I 2006, 30, 231	14.07.2006
14.06.2007	RT I 2007, 44, 316	14.07.2007
11.12.2008	RT I 2009, 2, 5	16.01.2009
11.12.2008	RT I 2009, 2, 5	01.01.2011
06.05.2009	RT I 2009, 27, 165	01.01.2010
20.05.2009	RT I 2009, 29, 175	01.07.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24–26).
19.05.2010	RT I 2010, 29, 150	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
13.06.2012	RT I, 10.07.2012, 3	01.04.2013
17.10.2012	RT I, 01.11.2012, 1	11.11.2012
22.01.2014	RT I, 05.02.2014, 1	01.04.2014, partially as of the beginning of authority of XIII composition of the Riigikogu.
19.06.2014	RT I, 11.07.2014, 1	21.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015, partially on the next day of the publication in Riigi Teataja.
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act in the wording in force as of 1 July 2014.
13.04.2016	RT I, 06.05.2016, 1	01.01.2017, partially 16.05.2016

# Chapter 1

## GENERAL PROVISIONS

### § 1. Bases of election system

- (1) The Riigikogu is comprised of 101 members.
- (2) Riigikogu elections shall be free, general, uniform and direct. Voting shall be secret.
- (3) Each voter shall have one vote.
- (4) Election results shall be determined based on the principle of proportionality.

### § 2. Time of regular elections

- (1) Regular elections to the Riigikogu shall be held on the first Sunday in March of the fourth year following the preceding Riigikogu election year.
- (2) The President of the Republic shall, by a resolution, call regular Riigikogu elections on the basis of clause 78 3) of the Constitution of the Republic of Estonia at least three months before election day.

### § 3. Bases and time of extraordinary elections

- (1) The President of the Republic shall, by a resolution, call extraordinary Riigikogu elections on the basis of clause 78 3) of the Constitution of the Republic of Estonia:
  - 1) within three days as of the duty to call elections arising in the cases prescribed in §§ 89 and 119 of the Constitution of the Republic of Estonia;
  - 2) within three days as of publication of the results of a referendum in the *Riigi Teataja* in the case prescribed in subsection 105 (4) of the Constitution of the Republic of Estonia.
- (2) In the case prescribed in § 97 of the Constitution of the Republic of Estonia, the President of the Republic may, on the proposal of the Government of the Republic, call extraordinary Riigikogu elections within three days as of the date of an expression of no confidence in the Government of the Republic or the Prime Minister.
- (3) Extraordinary Riigikogu elections shall not be held earlier than twenty days or later than forty days after the elections are called.
- (4) The date for extraordinary Riigikogu elections shall be specified by the President of the Republic. Extraordinary elections shall be held on a Sunday.

### § 4. Right to vote and stand as candidate

- (1) Estonian citizens who have attained 18 years of age by election day have the right to vote.
- (2) A person who has been divested of his or her active legal capacity with regard to the right to vote shall not have the right to vote.
- (3) A person who has been convicted of a criminal offence by a court and is imprisoned shall not participate in voting.
- (4) Estonian citizens who have attained 21 years of age by the last day for the registration of candidates have the right to stand as candidates.
- (5) A person who has been divested of his or her active legal capacity with regard to the right to vote does not have the right to stand as a candidate.
- (6) A person in active service in the Defence Forces or a person who has been convicted of a criminal offence by a court and is serving a prison sentence shall not stand as a candidate for election to the Riigikogu.  
[RT I, 10.07.2012, 3 - entry into force 01.04.2013]

## Chapter 2

### CAMPAIGNING

### § 5. Restriction on campaigning

- (1) The time of active election campaigning is deemed to be the time as of the last day for the registration of candidates.
- (2) Active election campaigning is prohibited on election day.

(3) Election campaigning is prohibited in polling places and premises through which voters enter polling places.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

### § 5<sup>1</sup>. Prohibition of political outdoor advertising

Advertising of independent candidates, political parties or persons who stand as candidates in the list of a political party, or their logo or other distinctive mark or programme on a building, civil engineering works, inner or outer side of public transport vehicles or taxis, and other political outdoor advertising shall be prohibited during the active campaigning.

[RT I 2005, 37, 281 - entry into force 10.07.2005]

## Chapter 3 ELECTORAL DISTRICTS AND VOTING DISTRICTS

### § 6. Electoral districts

Riigikogu elections shall be held in twelve multi-mandate electoral districts:

Electoral district No. 1: Tallinn city districts of Haabersti, Põhja-Tallinn and Kristiine;

Electoral district No. 2: Tallinn city districts of Kesklinn, Lasnamäe and Pirita;

Electoral district No. 3: Tallinn city districts of Mustamäe and Nõmme;

Electoral district No. 4: Harju County (except Tallinn) and Rapla County;

Electoral district No. 5: Hiiu County, Lääne County and Saare County;

Electoral district No. 6: Lääne-Viru County;

Electoral district No. 7: Ida-Viru County;

Electoral district No. 8: Järva County and Viljandi County;

Electoral district No. 9: Jõgeva County and Tartu County (except the city of Tartu);

Electoral district No. 10: the city of Tartu;

Electoral district No. 11: Võru County, Valga County and Põlva County;

Electoral district No. 12: Pärnu County.

### § 7. Distribution of mandates between electoral districts

(1) The National Electoral Committee shall, by a resolution, distribute the mandates between the electoral districts as follows:

1) the total number of voters shall be divided by the number 101;

2) the number of voters in an electoral district shall be divided by the number obtained as a result of the calculation specified in clause 1) of this subsection;

3) each electoral district shall be awarded a particular number of mandates in correspondence with the integer of the number obtained as a result of the calculation made according to clause 2) of this subsection;

4) mandates which are not distributed pursuant to clause 3) of this subsection shall be distributed on the basis of the largest-remainder rule, using the fractions of numbers obtained as a result of the calculation specified in clause 2) of this subsection.

(2) The number of voters shall be obtained on the basis of the information held in the Estonian Population Register (hereinafter *population register*) as at the first day of the month when the elections are called.

(3) The minister responsible for the area shall submit the number of voters by county, and by city district in Tallinn, to the National Electoral Committee within three working days as of the calling of elections.

(4) The National Electoral Committee shall promptly disclose the resolution specified in subsection (1) of this section.

[RT I 2004, 22, 148 - entry into force 08.04.2004]

### § 8. Formation of voting districts

(1) In order to hold voting, voting districts shall be formed in the territory of an electoral district.

(2) Voting districts shall be formed by a regulation of the rural municipality or city government, which shall set out:

1) the numeration of the voting districts;

2) the boundaries of the voting districts;

3) the locations of polling places;

4) at least one voting district where voters can vote outside the voting district of their residence (subsection 41 (2));

5) a voting district where voters can vote if the information on their residence in the rural municipality or city is entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district.

(3) Voting districts are permanent. Voting shall be held in the same voting districts for Riigikogu, local government council and European Parliament elections and referendums, unless the rural municipality or city government determines otherwise and amends the regulation specified in subsection (2) of this section.

(4) A rural municipality or city government may amend the regulation specified in subsection (2) of this section not later than on the fiftieth day before election day or in extraordinary cases after the specified due date. The rural municipality or city government shall promptly notify the National Electoral Committee and the chief processor of the population register of any such amendments.

(5) A rural municipality or city government shall make the information specified in subsection (2) of this section public before each elections.

(6) A county electoral committee shall make the information specified in subsection (2) of this section public during the week before the start of advance voting.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

## **Chapter 4 ELECTORAL COMMITTEES**

### **§ 9. Types of electoral committees**

(1) Riigikogu elections are organised by the following electoral committees:

- 1) the National Electoral Committee;
- 2) county electoral committees;
- 3) voting district committees;
- 4) the Electronic Voting Committee.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(2) In Tallinn and the city of Tartu, the functions of the county electoral committees shall be performed by the city electoral committee.

### **§ 10. Term of authority of electoral committee**

(1) The term of authority of the National Electoral Committee shall be four years.

(2) The term of authority of county electoral committees, the electoral committees of the cities of Tallinn and Tartu and the Electronic Voting Committee shall be four years.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(3) Voting district committees shall be formed before regular and extraordinary Riigikogu elections. The authority of a voting district committee shall continue until the new membership of the committee is appointed.

### **§ 11. Member of electoral committee**

(1) A person who has the right to vote according to subsections 4 (1)–(3) of this Act and whose authority of a member of an electoral committee has not been terminated in the course of the last five years by a resolution of the National Electoral Committee may be a member of an electoral committee. A member of an electoral committee shall be proficient in Estonian.

(2) A person may be a member of only one electoral committee.

(3) The authority of a member of an electoral committee shall terminate prematurely:

- 1) if it becomes evident that he or she has no right to vote pursuant to subsections 4 (1)–(3) of this Act;
- 2) due to his or her resignation;
- 3) due to his or her death;
- 4) by a resolution of the National Electoral Committee.

(4) A person may be released from his or her duties as a member of an electoral committee by a reasoned resolution of the official who or body which appointed him or her either on the initiative of the official or body or on the proposal of the electoral committee.

(5) The authority of a member of an electoral committee shall be suspended if he or she:

- 1) becomes an authorised representative of a political party;
- 2) becomes an authorised representative of an independent candidate;
- 3) is nominated as a candidate for election to the Riigikogu;
- 4) by a Resolution of a county electoral committee or the National Electoral Committee.

(6) [Repealed - RT I 2006, 30, 231 - entry into force 14.07.2006]

(7) The authority of a member of an electoral committee shall be restored:

- 1) in the cases prescribed in clauses (5) 1) and 2) of this section, as of the date when the election results are announced;
- 2) in the case prescribed in clause (5) 3) of this section, as of the date following the date when the candidate is not registered or declines to stand as a candidate or as of the date when the election results are announced if the candidate is not elected.

(8) A member of an electoral committee shall not campaign for or against political parties or candidates.

(9) A member of an electoral committee shall be independent in the performance of his or her duties. A member of an electoral committee shall operate pursuant to law and the instructions of a superior electoral committee.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

## **§ 12. Working procedures of electoral committee**

(1) The work format of an electoral committee shall be a meeting, which shall be convened by the chairman of the committee or, in his or her absence, by the deputy chairman, and in the absence of both the chairman and the deputy chairman, by the youngest member of the electoral committee.

(2) An electoral committee has a quorum if at least one-half of the members of the committee are present. The meeting of an electoral committee shall be chaired by the chairman of the committee or, in his or her absence, by the deputy chairman. In the absence of both the chairman and the deputy chairman, the meeting of the committee shall be chaired by the youngest member of the committee until a new deputy chairman is elected.  
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(3) Minutes shall be taken of the meetings of an electoral committee.

(4) The meetings of an electoral committee shall be public. Everyone has the right to examine resolutions of an electoral committee and the minutes of committee meetings.

(5) An electoral committee shall decide the issues within its competence by a majority of votes in favour. Any dissenting opinion of a member of the committee shall be recorded in the minutes.

(6) If the authority of a member of an electoral committee is suspended or terminates, the chairman shall notify the first alternate member thereof who shall assume the obligations of the member of the electoral committee.

(7) On the basis of a resolution of an electoral committee, alternate members or other persons may participate in election activities.

(8) If a member of the National Electoral Committee cannot participate in a meeting of the Committee, an alternate member who has all the rights and obligations of a member of the Committee, except the rights and obligations of the Chairman or Deputy Chairman, shall substitute for him or her.

(9) For the time elections are being organised, the employment contract or service relationship of a member or alternate member of an electoral committee or a person assisting the committee shall be suspended on the basis of a proposal made by the electoral committee.

(10) A member of the National Electoral Committee shall receive remuneration for the participation in a meeting of the Committee and for the performance of other functions of the Committee. The hourly fee rate of a member of the National Electoral Committee shall be 25 times the minimum hourly wage established by the Government of the Republic. The procedure for payment of the remuneration shall be provided for in the working procedure of the National Electoral Committee.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(11) Members of county electoral committees shall be paid remuneration out of the allocations prescribed in the state budget for the organisation of elections. The procedure for distribution of the allocation and payment of the remuneration shall be provided for in a regulation of the National Electoral Committee.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(12) The hourly fee rate of a member of the Electronic Voting Committee shall be up to 20 times the minimum hourly wage established by the Government of the Republic. The procedure for payment of the remuneration shall be provided for in a regulation of the National Electoral Committee.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 13. Assistance to electoral committee**

(1) State and local government bodies, administrative agencies and other agencies are, within their competence, required to assist electoral committees in the organisation of elections.

(2) An electoral committee has the right to address state or local government bodies, administrative agencies or other agencies in writing regarding issues concerning the organisation of elections. An answer shall be provided to an inquiry made by an electoral committee within three working days as of the receipt thereof.

### **§ 14. Formation of National Electoral Committee**

(1) The National Electoral Committee comprises the following members:

- 1) a judge of a court of first instance appointed by the Chief Justice of the Supreme Court;
- 2) a judge of a court of appeal appointed by the Chief Justice of the Supreme Court;
- 3) an adviser to the Chancellor of Justice appointed by the Chancellor of Justice;
- 4) an official of the State Audit Office appointed by the Auditor General;
- 5) a public prosecutor appointed by the Chief Public Prosecutor;
- 6) an official of the Chancellery of the Riigikogu appointed by the Secretary General of the Riigikogu;
- 7) an official of the State Chancellery appointed by the State Secretary.

(2) The members of the National Electoral Committee shall be appointed not later than on the tenth day before the authority of the Committee terminates.

(3) The Chairman and Deputy Chairman of the National Electoral Committee shall be elected by the electoral committee from among its members at the first meeting of the committee. The first meeting of the National Electoral Committee shall be convened by the Chairman or Deputy Chairman of the previous National Electoral Committee not later than on the seventh day after the beginning of the authority of the Committee.

(4) The person who appoints a member of the National Electoral Committee to office shall appoint an alternate member for the member.

(5) The Chief Justice of the Supreme Court may appoint a judge as a member of the National Electoral Committee only with the consent of the judge and after considering the opinion of the chief judge of the court.

(6) Operational and clerical support shall be provided to the National Electoral Committee by the Chancellery of the Riigikogu.

(7) The National Electoral Committee shall establish its working procedure.

(8) The National Electoral Committee shall be registered in the state register of state and local government authorities.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

### **§ 15. Competence of National Electoral Committee**

(1) The function of the National Electoral Committee is to ascertain the voting results and election results across the whole country, to ensure the uniformity of the conduct of Riigikogu elections, to instruct other electoral committees, to exercise supervision over their activities and to perform other functions arising from law.

(2) The National Electoral Committee has the right:

- 1) to suspend or terminate the authority of a member of a voting district committee, the Electronic Voting Committee or a county electoral committee if he or she violates the Riigikogu Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 2) to issue precepts for the elimination of deficiencies of an act of a county electoral committee, the Electronic Voting Committee or voting district committee or a resolution of a county electoral committee;
- 3) to suspend an act of a county electoral committee, the Electronic Voting Committee or voting district committee or the validity of a resolution of a county electoral committee;
- 4) to repeal a resolution of a county electoral committee or to declare an act of a voting district committee, the Electronic Voting Committee or a county electoral committee unlawful and to issue a precept to the voting district committee, Electronic Voting Committee or county electoral committee for elimination of the violation;
- 5) not to start electronic voting or to terminate electronic voting if the security or reliability of the electronic voting system cannot be insured in such way that electronic voting could be conducted pursuant to the requirements of this Act;
- 6) to repeal, in case of suspension or termination of electronic voting, the votes given by electronic means in full or partially;
- 7) to declare the voting results in a voting district, an electoral district, a county, Tallinn, the city of Tartu or the state invalid or to declare the electronic voting results invalid in full or partially and to hold a repeat vote if the violation significantly affected or could have significantly affected the voting results.

(3) The National Electoral Committee shall issue regulations in the cases prescribed in subsections (4) and (5) of this section. The Chairman shall sign the regulations of the National Electoral Committee. Regulations enter into force on the third day after publication in the *Riigi Teataja*.

(4) The National Electoral Committee shall establish, by a regulation, the following for the holding of elections and referendums:

- 1) the working procedure of the National Electoral Committee;
- 2) the procedure for the organisation of electronic voting and the ascertaining of the results of electronic voting;
- 3) the statutes of the electronic voting system;
- 4) the statutes of the election information system.

(5) The National Electoral Committee shall establish, by a regulation, the following for the holding of Riigikogu elections:

- 1) the procedure for the presentation of candidates for registration and for the registration of candidates;
- 2) the standard format of applications for the registration of candidates, the standard format of the list of candidates in an electoral district, the standard format of the national lists of candidates and the standard format of applications to stand as a candidate;

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

- 3) the procedure for voting in foreign states;
- 4) the standard format of lists of voters;
- 5) the procedure for the holding of voting and ascertaining of voting results and election results;
- 6) the standard format of ballot papers;
- 7) the standard format of the records of voting results and election results;
- 8) the status of observer;
- 9) the procedure for the use of money allocated for the organisation of elections.

(6) The National Electoral Committee shall adopt a resolution in order to resolve an individual issue within the competence of the National Electoral Committee. The resolution shall be signed by the Chairman of the Committee. The resolution shall enter into force upon signature thereof.

(7) Regulations, resolutions and instructions of the National Electoral Committee shall be binding on county electoral committees, the Electronic Voting Committee and voting district committees.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 16. Formation of county electoral committee**

(1) A county electoral committee shall be comprised of up to thirteen members.

(2) A county secretary shall be the chairman of a county electoral committee. The county governor, on the proposal of the county secretary, shall appoint the members of the county electoral committee not later than on the tenth day before the authority of the committee terminates. The county governor, on the proposal of the county secretary, shall also appoint up to four alternate members who, during the term of authority of the committee and in the order specified by the county governor, shall replace the members of the committee whose authority is suspended or terminates.

(3) The corresponding city secretary shall be the chairman of the electoral committees of the cities of Tallinn and Tartu. The city council, on the proposal of the city secretary, shall appoint the members of the city electoral committee not later than on the tenth day before the authority of the committee terminates. The council shall also appoint up to four alternate members who, during the term of authority of the committee and in the order specified by the council, shall replace the members of the committee whose authority is suspended or terminates.

(4) The deputy chairman of a county electoral committee shall be elected by the committee from among its members.

(5) Operational and clerical support shall be provided to county electoral committees and the electoral committees of Tallinn and the city of Tartu by the county governments and the city governments of Tallinn and Tartu respectively.

#### **§ 17. Competence of county electoral committee**

(1) The function of a county electoral committee is to ascertain the voting results in the county, to instruct voting district committees, to exercise supervision over their activities and to perform other functions arising from this Act.

(2) A county electoral committee has the right to:

- 1) suspend the authority of a member of a voting district committee if he or she violates the Riigikogu Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 2) propose to the National Electoral Committee to terminate the authority of a member of a country electoral committee who has violated the Riigikogu Election Act, a regulation of the National Electoral Committee or instructions of a superior electoral committee;
- 3) issue precepts for the elimination of deficiencies of an act of a voting district committee;
- 4) suspend an act of a voting district committee;
- 5) declare an act of a voting district committee unlawful;
- 6) make a proposal to the National Electoral Committee to declare the voting results in a voting district invalid and to hold a repeat vote in the voting district if the violation significantly affected or could have significantly affected the voting results.

(3) A county electoral committee shall adopt a resolution in order to resolve an individual issue within the competence of the county electoral committee. The resolution shall be signed by the chairman of the committee. The resolution shall enter into force upon signature thereof.

(4) Resolutions and instructions of county electoral committees shall be binding on voting district committees. [RT I 2006, 30, 231 - entry into force 14.07.2006]

### **§ 17<sup>1</sup>. Formation of Electronic Voting Committee**

(1) The Electronic Voting Committee shall be comprised of up to seven members.

(2) The National Electoral Committee shall appoint the members and the chairman of the Electronic Voting Committee not later than on the tenth day before the authority of the committee terminates.

(3) The National Electoral Committee shall appoint up to two alternate members of the Electronic Voting Committee.

(4) The deputy chairman of the Electronic Voting Committee shall be elected by the committee from among its members.

(5) Operational and clerical support shall be provided to the Electronic Voting Committee by the Chancellery of the Riigikogu.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 17<sup>2</sup>. Competence of Electronic Voting Committee**

(1) The function of the Electronic Voting Committee is to prepare and organise electronic voting, to resolve any cases hindering electronic voting pursuant to law, to verify the results of electronic voting and to perform other functions arising from this Act.

(2) The Electronic Voting Committee shall be entitled to make a proposal to the National Electoral Committee not to start electronic voting or to suspend or terminate electronic voting if the security or reliability of the electronic voting system cannot be ensured in such way that electronic voting could be conducted pursuant to the requirements of this Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 18. Formation of voting district committee**

(1) A voting district committee shall be comprised of up to nine members.

(2) The local government council (hereinafter *council*) shall appoint the chairman and members of a voting district committee by a resolution on the proposal of the rural municipality or city secretary and in consideration of the principle of political balance not later than on the twentieth day before election day.

(3) The rural municipality or city secretary shall present half of the members of a voting district committee, and the political parties participating in the elections shall present the remaining members.

(4) Political parties participating in the election may present one member candidate for a voting district committee to the rural municipality or city secretary not later than on the fortieth day before election day.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(5) The consent of the person is required to appoint him or her a member of a voting district committee.

(6) If political parties do not present candidates or if the number of candidates presented by them is smaller than the number of places which parties have in the voting district committee, the council shall appoint the remaining members on the proposal of the rural municipality or city secretary.

(7) If the number of member candidates for a voting district committee presented by political parties exceeds the number of places which political parties have in the voting district committee, all the remaining candidates are appointed alternate members of the voting district committee.

(8) The council shall also appoint, on the proposal of the rural municipality or city secretary and pursuant to subsection (7) of this section, at least two alternate members who, during the term of authority of the committee and in the order specified by the council, shall replace the members of the committee whose authority is suspended or terminates.

(9) A voting district committee shall elect a deputy chairman of the committee from among its members.

(10) Operational and clerical support shall be provided to a voting district committee by the rural municipality or city government.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

### **§ 19. Competence of voting district committee**

The function of a voting district committee is to conduct voting, ascertain the voting results in the voting district and perform other functions arising from this Act.

## **Chapter 5 REGISTRATION OF VOTERS**

### **§ 20. Registration of voters**

(1) Voters shall be registered in the population register.

(2) The procedure for maintenance of the population register shall be prescribed by law.

(3) Voters shall be registered on the basis of the following information entered in the population register:

- 1) given name and surname;
- 2) date of birth;
- 3) personal identification code;
- 4) information on citizenship;
- 5) information on divestment of active legal capacity;
- 6) information on place of residence.

### **§ 21. Voter's card**

(1) The chief processor of the population register shall organise the preparation of voter's cards and their sending to voters not later than on the twentieth day before election day. A voter's card shall not be sent to a voter if the information on his or her residence is entered in the population register on the initiative of a local government to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district.

(2) The following shall be entered in the voter's card:

- 1) given name and surname of voter;
- 2) year of birth of voter;
- 3) residential address of voter;
- 4) number and description of electoral district pursuant to § 6 of this Act;
- 5) name of rural municipality or city and number of voting district where voter is entered in list of voters;
- 6) time and place of voting on advance voting days and on election day;
- 7) other information concerning voting.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(2<sup>1</sup>) A voter may order an electronic voter's card. To order an electronic voter's card, a voter shall submit an application to the chief processor of the population register through the Estonian information gateway. For the following elections and referendums, a voter shall be sent an electronic voter's card without the need to re-submit the application.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(3) A voter who has not received a voter's card on the fifteenth day before election day or whose voter's card contains incorrect information may file an application with the rural municipality or city secretary for clarification to be given or errors to be corrected. The rural municipality or city secretary shall promptly review the application together with the person who prepared the voter's card and shall respond to the application in writing within three working days as of receiving the application.

### **§ 22. List of voters**

(1) The chief processor of the population register shall organise the preparation and printing of the list of voters for each voting district on the basis of the information held in the population register and shall organise

the delivery of the list of voters to the voting district committees not later than by the seventh day before election day. The electronic lists of voters shall be sent to the Electronic Voting Committee not later than by the thirteenth day before election day.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(2) The basis for the preparation of lists of voters shall be the information prescribed in subsection 20 (3) of this Act, as at the thirtieth day before election day. Upon preparation of a list of voters, any amendments made to the information specified in clauses 20 (3) 1)-5) of this Act after the thirtieth day before election day shall also be taken into account. Amendments made to the residential address details after the thirtieth day before election day shall not be taken into account.

(3) A person shall not be entered in a list of voters if he or she has been convicted of a criminal offence by a court pursuant to information held in the punishment register and if, as at the thirtieth day before election day, he or she is to be imprisoned until election day.

(4) A voter shall be entered in the list of voters of the voting district in the territory of which his or her residence, as entered in the population register, is located on the thirtieth day before election day. If the information on the residence of a voter is entered in the population register to the accuracy of the rural municipality or city, or in Tallinn to the accuracy of the city district, the voter shall be entered in the list of voters of a voting district determined pursuant to clause 8 (2) 5) of this Act.

(5) The following information on each voter shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address.

(6) Voters shall be entered in a list of voters in alphabetical order according to their surname.

(7) The person who prepares a list of voters shall sign the list of voters not later than on the seventh day before election day and the chairman of the voting district committee shall sign the list of voters on election day after the close of voting. The chairman of the Electronic Voting Committee shall sign the list of voters who voted using electronic means after the close of voting.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(8) [Repealed - RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 23. Accessibility of lists of voters**

(1) A voter may check the correctness of information entered in the list of voters concerning himself or herself.

(2) After election day, the authorised representatives of political parties and independent candidates and their authorised representatives may, in the event of justified interest, examine lists of voters to the extent necessary and the lists may also be used for scientific purposes.

### **§ 24. Checking correctness of information entered in list of voters and correction of errors**

(1) If a voter finds that information entered in the list of voters concerning himself or herself contains errors, he or she shall submit an application for correction of the errors to the voting district committee which shall promptly forward it to the rural municipality or city secretary.

(2) The rural municipality or city secretary shall promptly review the application together with the person who prepared the list of voters and shall respond to the applicant and inform the voting district committee of the results of the review.

(3) The voting district committee shall correct the error in the list of voters on the basis of a notice issued by the rural municipality or city secretary.

(4) If it is clear from the documents submitted to a voting district committee that the information entered in the list of voters contains errors, the voting district committee may correct the errors. The rural municipality or city secretary shall be promptly informed of the correction of errors.

### **§ 25. Making amendments to list of voters**

(1) Amendments shall be made to a list of voters only if:

- 1) a person who has not been entered in any list of voters but who has the right to participate in the voting pursuant to this Act is to be entered in the list;
- 2) a person who does not have the right to participate in the voting shall be deleted from the list.

(2) In order to amend a list of voters, a person shall submit an application to be entered in the population register or an application for the amendment of register information which is the basis for the registration of voters to a rural municipality or city secretary. The rural municipality or city secretary shall review the application together with the person who prepared the list of voters and shall promptly respond to the person.

(3) If a person is entered in the population register or if register information which is the basis for the registration of voters is amended such that this brings about the entry of the person in a list of voters, the rural municipality or city secretary shall promptly notify the voting district committee thereof.

(4) A voting district committee shall make amendments to a list of voters on the basis of a notice issued by the rural municipality or city secretary.

(5) If a rural municipality or city secretary denies an application specified in subsection (2) of this section, the applicant may file an action with an administrative court of his or her residence against the act of the rural municipality or city secretary. A complaint shall be filed with the rural municipality or city secretary who shall forward the complaint to the administrative court of his or her location together with a written explanation within twenty-four hours.

(6) The administrative court shall review the action and make a judgment within three working days after the date of receipt of the action.

(7) The administrative court shall make one of the following judgments:

- 1) to dismiss the complaint;
- 2) to satisfy the complaint and issue a precept to the rural municipality or city secretary to arrange that the person be entered in the population register or to amend the register information which is the basis for the registration of voters.

(8) If the administrative court satisfies the complaint, the person shall be promptly entered in the population register or the information pertaining to him or her shall be amended and the voting district committee shall be promptly notified thereof.

## **Chapter 6**

# **NOMINATION AND REGISTRATION OF CANDIDATES**

### **§ 26. Political party**

(1) Political parties which are entered in the non-profit associations and foundations register not later than ninety days before election day may participate in Riigikogu elections.  
[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

(2) [Repealed - RT I 2010, 29, 150 - entry into force 01.01.2011]

(3) Political parties shall participate in Riigikogu elections under their own name.

(4) A political party shall, upon nominating candidates, submit a written notice to the National Electoral Committee which sets out the names, personal identification codes, addresses and telecommunications numbers of the authorised representatives of the political party. A person entitled to represent the political party according to the Non-profit Associations Act or the articles of association of the political party shall sign the notice.  
[RT I 2010, 29, 150 - entry into force 01.01.2011]

(5) A political party may authorise up to two persons to represent the party.

(6) [Repealed - RT I 2010, 29, 150 - entry into force 01.01.2011]

### **§ 27. Independent candidate**

(1) A person who has the right to stand as a candidate (subsections 4 (4)-(6)) may nominate himself or herself as an independent candidate and perform the acts necessary for registration. A person who has the right to vote pursuant to subsections 4 (1)-(3) of this Act may nominate another person as an independent candidate and perform the acts necessary for registration on the basis of a corresponding authorisation document.

(2) An independent candidate may be nominated in only one electoral district.

### **§ 28. Application to stand as candidate**

(1) [RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(2) In an application to stand as a candidate, a person shall:

- 1) express his or her desire to stand as a candidate in the list of a political party or to stand as an independent candidate;

2) confirm that he or she complies with the requirements of this Act for candidates standing in Riigikogu elections;

3) submit the data provided for in subsection (2) of this section.

(3) A candidate shall submit in an application to stand as a candidate the following information:

- 1) given name and surname;
- 2) personal identification code;
- 3) membership of a political party;
- 4) residential address;
- 5) telecommunications numbers;
- 6) contact details;
- 7) information concerning the education of the trustee;
- 8) place of employment and position.

(4) The National Electoral Committee shall publish the information provided for in clauses (2) 1), 3), 6), 7) and 8) on the website of the National Electoral Committee.

(5) A candidate shall use only his or her given name and surname as his or her name when standing as a candidate.

(6) A candidate shall sign an application to stand as a candidate.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

### **§ 29. List of candidates**

(1) A political party shall prepare:

- 1) the lists of candidates in electoral districts;
- 2) the national list of candidates.

(2) Nominated candidates shall be included in both lists specified in subsection (1) of this section.

(3) The number of candidates in an electoral district may exceed the number of mandates in the electoral district by up to two candidates.

(4) A person may stand as a candidate in only one electoral district. Standing as a candidate is not related to the electoral district of the residence of the person.

(5) A person can stand as a candidate in the list of candidates of one political party only. A person who is nominated as an independent candidate or who is a member of another political party shall not stand in a list of candidates.

(6) A political party may submit only one list of candidates for registration in an electoral district.

(7) The order of candidates in the list shall be specified by the political party.

(8) All the authorised representatives of a political party shall sign the lists of candidates in electoral districts and the national list of candidates.

### **§ 30. Nomination of candidates**

(1) The nomination of candidates shall begin on the working day following the distribution of mandates. A political party may present its candidates after the submission of the notice specified in subsection 26 (4) of this Act.

(2) The nomination of candidates shall end on the forty-fifth day before election day at 6 p.m.

(3) In order to register candidates, a political party shall submit the following to the National Electoral Committee:

- 1) an application for the registration of candidates;
- 2) the lists of candidates in electoral districts;
- 3) the national list of candidates;
- 4) a copy of the payment order certifying the payment of security;
- 5) an application to stand as a candidate of each candidate.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(4) An independent candidate shall submit the following to the National Electoral Committee:

- 1) an application for the registration of the candidate;
- 2) a copy of the payment order certifying the payment of security;
- 3) an application to stand as a candidate.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(5) Before nominating candidates, a political party or an independent candidate shall deposit an amount, the size of which is equal to the minimum salary rate as established by the Government of the Republic in the year when the elections are declared, for each person nominated, in the bank account of the National Electoral Committee as the security.

[RT I, 05.02.2014, 1 - entry into force 01.04.2014]

### **§ 31. Acceptance and return of documents**

(1) The National Electoral Committee shall maintain records concerning the nomination of candidates.

(2) The registration documents of candidates shall be delivered by an authorised representative of the political party. The registration documents of an independent candidate shall be delivered by the independent candidate or his or her authorised representative.

(3) If not all the required documents are submitted to the National Electoral Committee or if the documents contain errors or omissions or they are not in conformity with the standard format established by the National Electoral Committee, the person who accepts documents shall propose to the person who submits the documents that the required documents or information be submitted, that documents conforming with the standard format be submitted or that the errors be corrected. All the documents submitted shall be returned.

(4) If a political party or an independent candidate wishes to make amendments to the registration documents of candidates, the National Electoral Committee shall return all the documents submitted and, upon re-submission thereof, the documents shall be deemed to have been submitted for the first time.

(5) If a candidate is deleted from the list of nominated candidates on the basis of a personal application, the National Electoral Committee shall return an application to stand as a candidate to him or her and inform an authorised representative of the political party or independent candidate thereof. The political party is not required to submit the registration documents of candidates again.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(6) If a political party or an independent candidate submits documents before 6 p.m. on the forty-fifth day before election day and it becomes evident that not all the required documents have been submitted, that the documents contain omissions or are not in conformity with the standard format established by the National Electoral Committee, or that the documents submitted contain errors which cannot be corrected immediately, the documents shall be accepted. The person who accepts the documents shall propose to the person submitting the documents that the missing documents or information be submitted, that documents conforming with the standard format established by the National Electoral Committee be submitted or that the errors be corrected. In such case, the political party or independent candidate shall perform the required acts not later than before 6 p.m. on the forty-third day before election day.

### **§ 32. Registration of candidates**

(1) The National Electoral Committee shall, after expiry of the term for the nomination of candidates but not later than on the fortieth day before election day, register all persons nominated in accordance with the requirements of this Act in the order of their nomination.

(2) Each candidate shall be assigned a registration number. Registration numbers shall begin at 101 and shall be assigned to the candidates according to the lists of political parties in an electoral district. Independent candidates shall be assigned registration numbers after the candidates of political parties have been assigned numbers. The sequence of assigning numbers between political parties and independent candidates shall be determined by drawing lots.

[RT I 2004, 71, 501 - entry into force 29.10.2004]

(3) If, within the term specified in subsection 31 (6) of this Act, a political party or an independent candidate fails to perform the acts required by the National Electoral Committee, the National Electoral Committee shall not register:

1) any of the candidates nominated by the political party if documents specified in clauses 30 (3) 1), 2), 3) or 4) of this Act are missing or if the documents contain errors or are not in conformity with the standard format;

2) a candidate if documents or information concerning him or her are missing or if their documents contain errors or are not in conformity with the standard format;

3) a candidate who does not comply with the requirements prescribed in subsections 4 (4)–(6) and 29 (5) of this Act.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(4) The National Electoral Committee shall adopt a reasoned resolution on failure to register a candidate.

(5) The National Electoral Committee shall revoke a resolution to register a candidate if:

- 1) the candidate declines to stand as a candidate on the basis of a written application which may be submitted by him or her within three days after registration;
- 2) the candidate dies;
- 3) it is established that the candidate does not comply with the requirements prescribed in subsections 4 (4)–(6) and 29 (5) of this Act.

(6) The National Electoral Committee shall register a person who was not registered previously after the term specified in subsection (1) of this section if the Committee finds that the person complies with the requirements prescribed in subsections 4 (4)–(6) and 29 (5) of this Act or if the resolution of the National Electoral Committee not to register the candidate is revoked by a judgment of the Supreme Court.

(7) A resolution on registration may be revoked and a person who was not registered may be registered not later than by the thirteenth day before election day.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 33. Consolidated list of candidates in electoral district**

(1) After the registration of candidates, the National Electoral Committee shall prepare a consolidated list of candidates in each electoral district.

(2) Candidates shall be entered in the consolidated list of candidates in an electoral district by the lists of candidates of political parties in the electoral district in the order of their registration numbers. The name of the political party which submitted the list shall be indicated at the top of the list of candidates in the electoral district. Independent candidates shall be entered in the consolidated list of candidates in an electoral district in the order of their registration numbers after the lists of candidates of political parties in the electoral district.

[RT I 2004, 71, 501 - entry into force 29.10.2004]

(3) The registration number and name of each candidate shall be set out in the consolidated list of candidates in an electoral district. If several candidates with the same name stand in one electoral district, their dates of birth shall also be set out in the consolidated list.

(4) The National Electoral Committee shall inform the electoral committees, foreign missions organising voting in foreign states and masters of ships of all corrections and amendments to consolidated lists of candidates in electoral districts, and they shall make the corresponding corrections or amendments to the consolidated lists of candidates in the electoral districts. The consolidated lists of candidates shall not be amended after the thirteenth day before election day.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

## **Chapter 7 VOTING PROCEDURE**

### **§ 34. Polling place**

(1) Voting in a voting district shall be held at a polling place designated by the rural municipality or city government. Different polling places may be designated for voting on election day and on advance voting days.

(2) A polling place shall have places for the distribution of ballot papers, voting booths and a ballot box. In a voting district where voting outside the voting districts of voters' residences is held, the polling place shall have, during advance voting, a separate voting booth and ballot box for the voters who vote outside the voting district of their residence. The consolidated list of candidates in the electoral district and the national lists of candidates shall be posted in the polling place.

(3) Order in a polling place shall be maintained by the voting district committee. Lawful oral orders given by members of the voting district committee are mandatory for all persons in the polling place.

### **§ 35. Voting booth**

(1) A voting booth shall enable secret ballot.

(2) A voting booth shall have a table and a writing instrument. The consolidated list of candidates in the electoral district shall be placed on the wall of the voting booth, except the booth designated for voters voting outside the voting district of their residence.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

### **§ 36. Ballot box**

(1) Voting district committees shall inspect and seal ballot boxes before voting opens. Ballot boxes sealed before the start of advance voting shall be used for advance voting only.

(2) The opening of a ballot box shall be covered. It shall be opened only to deposit a ballot paper in the box.

(3) On advance voting days, voting district committees shall seal the openings of the ballot boxes used for advance voting after the close of voting.

### **§ 37. Ballot paper**

(1) The National Electoral Committee shall establish the standard format of the ballot paper.

(2) The National Electoral Committee shall organise the preparation and delivery of ballot papers to the voting district committees.

(3) After the receipt of ballot papers, a voting district committee shall put an impression of the seal of the voting district committee on the ballot papers. The National Electoral Committee shall put an impression of the seal on ballot papers used for voting in foreign states and on board ships.

### **§ 38. Time of voting**

(1) Voting on election day shall open at 9 a.m. and close at 8 p.m.

(2) Advance voting shall be held:

1) from the tenth day to the seventh day before election day in a voting district designated by a county electoral committee. Voting shall open at 12 a.m. and close at 8 p.m.;

2) from the sixth day to the fourth day before election day, in all voting districts. Voting shall open at 12 a.m. and close at 8 p.m. Voting at the location of a voter, in custodial institutions, hospitals and twenty-four hour social welfare institutions shall be organised between 9 a.m. and 8 p.m.;

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

3) from the tenth day to the fourth day before election day by electronic means. Voting shall open at 9 a.m. on the tenth day before election day and shall last twenty-four hours a day until the close of voting at 6 p.m. on the fourth day before election day.

(3) Home voting shall be held on election day in the cases prescribed by this Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 39. Voting**

(1) A voter shall vote in the voting district where he or she is entered in the list of voters, except in the cases prescribed in §§ 41-45 and 47 and in Chapter 7<sup>1</sup> and 8 of this Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(2) In order to receive a ballot paper, a voter shall present an identity document to the voting district committee. The voter shall sign the list of voters against receipt of the ballot paper.

(3) The voter shall complete the ballot paper in a voting booth.

(4) The voter shall write the registration number of the candidate in the electoral district of his or her residence for whom he or she wishes to vote in the designated space on the ballot paper.

(5) The voter shall complete the ballot paper himself or herself. If he or she is unable to complete the ballot paper himself or herself due to a physical disability, another voter, but not a candidate in the election district of his or her residence, may do so at his or her request and in his or her presence.

(6) The voter shall not take the ballot paper out of the polling place. If the voter spoils the ballot paper, he or she has the right to receive another ballot paper from the voting district committee. The voter shall return the spoiled or unused ballot paper to the voting district committee.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

(7) After completing the ballot paper, the voter shall fold the ballot paper and hand it to a member of the voting district committee who shall put an impression of the seal of the voting district committee on the outside of the folded ballot paper.

(8) The voter shall deposit the ballot paper in the ballot box himself or herself. If a voter, due to physical disability, is unable to deposit the ballot paper in the ballot box himself or herself, another voter may do so at his or her request in the presence of the voter.

### **§ 40. Advance voting**

(1) Advance voting shall be held pursuant to the procedure prescribed in § 39 of this Act.

(2) A voter entered in the list of voters who has attained 18 years of age by the day of the advance voting has the right to vote in the advance voting.

(3) At least three members of a voting district committee shall hold the advance voting.

(4) A member of the voting district committee shall mark the date of voting in the list of voters concerning voters who have voted.

(5) The voting district committee shall keep the ballot box and voting documents on advance voting days and the following days such that only members of the voting district committee have access to these.

#### **§ 41. Specifications for advance voting held outside voting district of residence**

(1) On advance voting days (subsection 38 (2)), voters may vote outside the voting district of their residence in a voting district designated by the county electoral committee or rural municipality or city government.

(2) A voting district committee designated by the rural municipality or city government shall organise voting outside the voting district of residence on the days prescribed in clause 38 (2) 2) of this Act. The rural municipality or city government may designate a voting district committee which, in addition to advance voting, organises voting only at the location of a voter (§ 43) or in custodial institutions, hospitals and twenty-four hour social welfare institutions (§ 45).

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(3) A county electoral committee, except the Harju County Electoral Committee and the Tartu County Electoral Committee, shall designate, not later than on the forty-fifth day before election day, at least one voting district located in a county town, where voters can vote outside the voting district of their residence on the days prescribed in clause 38 (2) 1) of this Act. In Tallinn and the city of Tartu, the city electoral committee shall designate this voting district. Each county electoral committee shall publish its resolution not later than in the week preceding the beginning of advance voting.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 42. Advance voting held outside voting district of residence in polling place**

(1) A voter who wishes to vote in a polling place outside the voting district of his or her residence shall present an identity document to a member of the voting district committee and he or she shall be entered in the list of voters voting outside the voting district of their residence.

(2) The member of the voting district committee shall issue to the voter a ballot paper, two envelopes and the consolidated list of candidates in the electoral district of the residence of the voter. The voter shall sign the list of voters voting outside the voting district of their residence against the receipt of a ballot paper.

(3) The voter shall complete the ballot paper pursuant to the provisions of subsections 39 (3)-(6) of this Act.

(4) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope in the other envelope given to him or her by the member of the voting district committee. The voter or the member of the voting district committee shall write the name, personal identification code and residential address of the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the voting district of their residence.

#### **§ 43. Advance voting held outside voting district of residence at location of voter**

(1) If a voter who wishes to vote outside the voting district of his or her residence is unable to vote at a polling place located in a voting district due to his or her state of health or for another good reason, he or she may, until 2 p.m. on the last day of advance voting, submit a written application to vote at his or her location to the rural municipality or city government of his or her location or to a voting district committee prescribed in subsection 41 (2) of this Act. The voting district committee shall register the application. The rural municipality or city government shall register the application and forward the application to the appropriate voting district committee.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(2) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 39 (4)-(6) and subsections 42 (1), (2) and (4) of this Act.

#### **§ 44. Electronic voting**

[Repealed - RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 45. Voting in custodial institutions, hospitals and twenty-four hour social welfare institutions**

(1) [RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(2) Voting in custodial institutions, hospitals and twenty-four hour social welfare institutions shall be held on the days prescribed in clause 38 (2) 2) of this Act.

(3) The administration of a custodial institution, hospital and twenty-four hour social welfare institution shall submit an application for voting to be held to the voting district committee prescribed in subsection 41 (2) of this Act.

(4) Voting shall be organised by at least two members of the voting district committee pursuant to the provisions of subsections 39 (4)–(6) and subsections 42 (1), (2) and (4) of this Act.

(5) Upon ascertaining of the voting results, the votes of voters who voted at advance voting in a custodial institution, hospital and twenty-four hour social welfare institution shall be taken into account pursuant to the provisions of § 48 of this Act.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

#### **§ 46. Home voting**

(1) If a voter is unable to vote at a polling place due to his or her state of health or for another good reason, he or she may apply to vote at home.

(2) In order to vote at home, a voter shall submit a written application to the rural municipality or city government or to the voting district committee of his or her residence by 2 p.m. on election day and the voting district committee shall register the application. If the application is submitted to the rural municipality or city government, the rural municipality or city government shall register the application and forward it to the corresponding voting district committee.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(3) A voter may submit an application to vote at home also by phone to the voting district committee of his or her residence from 9 a.m. to 2 p.m. on election day. The voting district committee shall register the application.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(4) An application to vote at home shall include the following:

- 1) name of voter;
- 2) personal identification code of voter;
- 3) address of voter;
- 4) telecommunications numbers of voter;
- 5) reason for voting at home.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(5) If the voting district committee finds that the application is unsubstantiated, the committee shall notify the applicant of the circumstances for dismissal of the application.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(6) Home voting shall be organised by at least two members of the voting district committee. Such members are appointed based on the principle that they are not members of the same political party or they have not been presented to be members of a voting district committee on the proposal of the same political party. Home voting shall be organised pursuant to the provisions of subsections 39 (1), (2), (4), (5), (6) and (8) of this Act.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

(7) A home voter shall sign the list of home voters against the receipt of a ballot paper.

#### **§ 47. Voting in Estonia by voters residing in foreign states**

(1) A voter residing in a foreign state who is entered in the list of voters permanently residing in a foreign state and who has not voted pursuant to the procedure provided for in Chapter 8 of this Act may vote during advance voting in any voting district designated pursuant to the procedure provided for in the first sentence of subsection 41 (2) or in subsection 41 (3) of this Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(2) In order to receive a ballot paper, a voter shall present an identity document to the voting district committee and he or she shall be entered in the list of voters voting outside the voting district of their residence.

(3) A member of the voting district committee shall issue a ballot paper, two envelopes and the consolidated list of candidates in the electoral district of the residence of the voter to the voter. The voter shall sign the list of voters voting outside the voting district of their residence against the receipt of a ballot paper.

(4) The voter shall complete the ballot paper pursuant to the provisions of subsections 39 (3)–(6) of this Act.

(5) The voter shall place the ballot paper in one of the envelopes given by the member of the voting district committee. The voter shall place the envelope in the other envelope given to him or her by the member of the voting district committee. The voter or the member of the voting district committee shall write the name, personal identification code, residential address and number of the electoral district of the voter on the outer envelope. The voter shall deposit the envelope in the ballot box prescribed for the ballot papers of voters who vote outside the voting district of their residence.

(6) Upon the ascertaining of the voting results, votes cast pursuant to the procedure prescribed in subsection (1) of this section shall be taken into account pursuant to the provisions of subsections 48 (1) and (2) and subsections 55 (2)-(6) of this Act.

#### **§ 48. Taking votes cast during advance voting outside voting district of residence into account**

(1) A voting district committee shall pack the envelopes with the ballot papers of voters who voted outside the voting district of their residence by the counties, and by the cities of Tallinn and Tartu, and shall forward the envelopes to the county electoral committee of their location.

(2) A county electoral committee shall forward the envelopes with ballot papers specified in subsection (1) of this section to the appropriate county electoral committees through the National Electoral Committee not later than on the second day before election day.

(3) A county electoral committee shall forward the envelopes with ballot papers received from other county electoral committees pursuant to the procedure prescribed in subsection (2) of this section to the relevant voting district committees not later than on the day preceding election day.

(4) After receipt of the envelopes with ballot papers pursuant to the procedure prescribed in subsection (3) of this section, the voting district committee shall check that each voter is entered in the list of voters of the voting district and that he or she has not voted more than once. At least three members of a voting district committee must be present when ballot papers are checked.

(5) If a voter is not entered in the list of voters of the voting district or he or she has voted more than once outside the voting district of his or her residence, the voting district committee shall not take into account any of the ballot papers of the voter.

(6) If the voter has voted once, a member of the voting district committee shall make a notation in the list of voters concerning voting at the advance voting.

(7) After performing the acts prescribed in subsections (4)-(6) of this section, the voting district committee shall open the outer envelopes, deposit the inner envelopes with ballot papers in the ballot box used at the advance voting and seal the opening of the ballot box again.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

#### **§ 48<sup>1</sup>. Taking votes cast using electronic means into account**

[Repealed - RT I, 01.11.2012, 1 - entry into force 11.11.2012]

## **Chapter 7<sup>1</sup> ELECTRONIC VOTING**

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 48<sup>2</sup>. General principles of electronic voting**

(1) Electronic voting shall be held by the Electronic Voting Committee.

(2) The electronic voting system administered by the Electronic Voting Committee shall be used in electronic voting. The technical requirements for the electronic voting system, which are necessary for ensuring the compliance with the requirements provided for in subsections 1 (2)-(3) of this Act, shall be established by the National Electoral Committee in the regulation provided for in clause 15 (4) 2) of this Act.

(3) A voter shall vote himself or herself. Under the conditions prescribed in this Act, a voter may change his or her vote cast by electronic means.

(4) The Electronic Voting Committee shall organise the testing of the electronic voting system. The National Electoral Committee shall organise the auditing of the electronic voting system and the acts of the Electronic Voting Committee. The procedure for the testing and auditing, and the inspection of the acts of the electronic voting committee shall be established by the National Electoral Committee in the regulation provided for in clause 15 (4) 2) of this Act.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

### **§ 48<sup>3</sup>. Preparation of electronic voting**

(1) The Electronic Voting Committee shall bring the electronic voting system to readiness and enter the list of voters and the consolidated lists of candidates in the electoral districts in the system not later than by the thirteenth day before election day.

(2) Any amendments to the lists of voters provided for in §§ 24 and 25 of this Act shall be entered on the days of electronic voting in the electronic list of voters at least once a day.

(3) Prior to the start of electronic voting, the Electronic Voting Committee shall create the encryption key for electronic votes and the vote-opening key. The vote-opening key shall be distributed among the members of the National Electoral Committee.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 48<sup>4</sup>. Electronic voting procedure**

(1) A voter may vote using electronic means on the days prescribed in clause 38 (2) 3) of this Act using the system provided for in subsection 48<sup>2</sup>(2) of this Act.

(2) A voter shall identify himself or herself by a certificate which enables digital identification, issued on the basis of the Identity Documents Act.

(3) Following the identification of the voter pursuant to the procedure provided for in subsection (2) of this section, the consolidated list of candidates in the electoral district of the residence of the voter shall be displayed to the voter.

(4) The voter shall indicate the candidate in the electoral district of his or her residence for whom he or she wishes to vote. The application used for electronic voting shall encrypt the voter's vote using the votes encryption key. The voter shall confirm the vote by a digital signature in conformity with the Digital Signatures Act.

(5) A notice that the vote has been taken into account shall be displayed to the voter after the voting is confirmed.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 48<sup>5</sup>. Change of electronic votes**

A voter has the right to change his or her vote cast by electronic means:

- 1) by voting again using electronic means at the time prescribed in clause 38 (2) 3) of this Act;
- 2) by voting with a ballot paper from the tenth to the fourth day before election day pursuant to the procedure provided for in §§ 40–43, 45 or 47 of this Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 48<sup>6</sup>. Verification of electronic votes**

(1) A voter has an opportunity to verify whether the application used for electronic voting has transferred the vote cast by the voter to the electronic voting system according to the voter's wish.

(2) The procedure for verification of electronic votes shall be established by the National Electoral Committee in the regulation provided for in clause 15 (4) 2) of this Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012, not implemented before 2015]

### **§ 48<sup>7</sup>. Taking into account of electronic votes**

(1) In case of several votes cast using electronic means (subsection 48<sup>5</sup>(1)), the last vote cast by the voter shall be taken into account.

(2) After the close of electronic voting, the Electronic Voting Committee shall prepare a list of persons who voted using electronic means by voting districts and shall forward the list to the county electoral committees not later than on the second day before election day. A county electoral committee shall forward the list to voting district committees not later than on the day preceding the election day.

(3) If a voter has voted using electronic means, a member of the voting district committee shall make a notation in the list of voters concerning voting using electronic means.

(4) If a voter has voted using electronic means as well as with a ballot paper, the ballot paper of the voter shall be taken into account. The voting district committee shall send to the Electronic Voting Committee an appropriate notice, based on which the Electronic Voting Committee shall not take into account the voter's vote cast using electronic means.

(5) If a voter has voted several times outside the voting district of his or her residence, and using electronic means, all envelopes with ballot papers of the voter as well as the vote cast using electronic means shall not be taken into account. The voting district committee shall send to the Electronic Voting Committee an appropriate notice, based on which the Electronic Voting Committee shall not take into account the voter's vote cast using electronic means.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 48<sup>8</sup>. Suspension, termination and not starting electronic voting**

(1) In case of suspension of electronic voting, the National Electoral Committee shall promptly notify the voters of the suspension and restarting of electronic voting.

(2) In case of not starting or termination of electronic voting, the National Electoral Committee shall promptly notify the voters thereof and provide the information which types of voting can be used instead of electronic voting.

(3) In case the suspension or termination of electronic voting is accompanied by the annulment of the votes cast using electronic means, the National Electoral Committee shall promptly notify the voters of the necessity to vote again and the types of voting that can be used for this purpose.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

## **Chapter 8 VOTING IN FOREIGN STATE**

#### **§ 49. Preparation for voting**

(1) Voting in a foreign state for voters permanently residing in the foreign state and voters temporarily staying there shall be organised by foreign missions of Estonia.

(2) A consular authority led by an honorary consul the honorary consul of which is an Estonian citizen may be designated to organise voting by an order of the Government of the Republic. In such case, the consular authority led by the honorary consul shall perform the acts prescribed in this Chapter.

[RT I 2009, 29, 175 - entry into force 01.07.2009]

(3) Voting shall be organised by the head of a foreign mission or an official designated by him or her. In the case prescribed in subsection (2) of this section, voting shall be held by the honorary consul or a person designated by him or her. The person who holds voting must be entitled to the right to vote pursuant to subsections 4 (1) and (2) of this Act.

(4) The chief processor of the population register shall organise the forwarding of lists of voters permanently residing in foreign states to the foreign missions. The following information shall be entered in the list of voters:

- 1) given name and surname;
- 2) personal identification code;
- 3) residential address, if known;
- 4) the number of the electoral district of which the consolidated list of candidates is sent to the voter.

(5) Voters permanently residing in a foreign state and voters temporarily staying in a foreign state based on the data in the population register shall be sent electronic voter's cards not later than on the sixtieth day before election day. To order a voter's card, a voter shall submit an application pursuant to the procedure provided for in subsection 21 (2<sup>1</sup>) of this Act.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(6) The following shall be entered in the voter's card:

- 1) given name and surname of voter;
- 2) year of birth of voter;
- 3) residential address of voter;
- 4) number and description of electoral district pursuant to § 6 of this Act;
- 5) address of foreign mission;
- 6) procedure for submitting application to vote by post, for voting by post and for voting at foreign mission;
- 7) due date for receipt by foreign mission of applications to vote by post;
- 8) due date for receipt by foreign mission of ballot papers sent by post;
- 9) time of voting at foreign mission;
- 10) time of electronic voting;
- 11) other information concerning voting.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

## **§ 50. Submission of application to vote**

(1) If a voter wishes to vote by post, he or she shall send a corresponding application to the Estonian foreign mission in the country of his or her habitual residence. If Estonia does not have a foreign mission in the country of habitual residence of a voter, the voter shall send the application to the closest foreign mission of Estonia.

(2) A voter who has been entered in the list of voters permanently residing in a foreign state shall:

- 1) append a copy of the page of his or her identity document containing personal data to the application;
- 2) indicate in the application his or her residential address in the foreign state.

(3) A voter who has not been entered in the list of voters permanently residing in a foreign state shall:

- 1) append copies of documents which certify his or her identity and that he or she has the right to vote in accordance with subsections 4 (1) and (2) of this Act to the application;
- 2) indicate his or her residential address in the foreign state;
- 3) indicate his or her last residence in Estonia (the county, the city district in Tallinn, or the city of Tartu). If a voter permanently residing in a foreign state has not had a residence in Estonia, he or she shall indicate the last residence of his or her parents or grandparents in Estonia.

(4) A voter temporarily staying in a foreign state shall indicate his or her residential address in Estonia in the application in addition to the information prescribed in clauses (2) 1) and 2) of this section.

(5) Applications shall have been received by the foreign mission not later than on the thirtieth day before election day.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

## **§ 51. Sending of election documents to voter**

(1) At the earliest possible opportunity, a foreign mission shall send the following to voters who sent their applications in due time and who comply with the requirements of this Act:

- 1) a ballot paper;
- 2) the consolidated list of candidates in the electoral district pursuant to the information in the list of voters permanently residing in a foreign state or in accordance with clause 50 (3) 3) or subsection 50 (4) of this Act;
- 3) two envelopes.

(2) If a voter permanently residing in a foreign state has indicated Tallinn as his or her last residence or the last residence of his or her parents or grandparents but has not specified the city district, the consolidated list of candidates in electoral district no. 1 shall be sent to the voter.

(3) If a voter permanently residing in a foreign state has indicated Petseri county as his or her last residence or the last residence of his or her parents or grandparents, the consolidated list of candidates in electoral district No. 11 shall be sent to the voter.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

## **§ 52. Voting by post**

(1) A voter shall complete a ballot paper pursuant to the provisions of this Act. The voter shall place the completed ballot paper in one of the envelopes sent by the foreign mission. The voter shall place this envelope in the other envelope sent by the foreign mission. The voter shall write his or her name and personal identification code and the number of the electoral district on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope. Thereafter the voter shall send the ballot paper to the foreign mission.

(2) Ballot papers sent by post shall have been received by the foreign mission on the day determined by the foreign mission, which shall be determined such that the National Electoral Committee will receive the ballot papers not later than on the fourth day before election day.

(3) A foreign mission shall prepare a list of voters who voted by post and shall forward the list to the National Electoral Committee such that the National Electoral Committee will receive the list not later than on the fourth day before election day.

(4) Upon voting by post, the expenses relating to the acts specified in subsection 50 (1) of this Act and subsection (1) of this section shall be borne by the voter.

## **§ 53. Electronic voting in foreign states**

[Repealed - RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 54. Voting at foreign missions**

(1) If a voter does not submit an application to vote by post within the term provided for in subsection 50 (5) of this Act or does not send a ballot paper to the foreign mission by the due date provided for in subsection 52 (2), he or she may vote at the foreign mission at a time determined by the foreign mission.

(2) A foreign mission shall allow voting at the mission on at least two days in the period between fifteen days and ten days before the election day.

(3) At a foreign mission, a voter shall complete a ballot paper pursuant to the provisions of this Act. Thereafter the voter shall place the completed ballot paper in an envelope. The voter shall place the envelope in another envelope. The voter or the person organising the voting shall write the name and personal identification code and the number of the electoral district of the voter on the outer envelope. A voter temporarily staying in a foreign state shall also write his or her residential address in Estonia on the outer envelope.

(4) A voter voting at a foreign mission shall sign the list of voters voting at the foreign mission against the receipt of a ballot paper.

#### **§ 55. Taking ballot papers into account upon ascertaining of voting results**

(1) The ballot papers received by a foreign mission shall be taken into account in the ascertaining of the voting results if they are received by the National Electoral Committee not later than on the fourth day before election day.

(2) When the National Electoral Committee has received the envelopes with ballot papers of voters permanently residing in a foreign state, the Committee shall verify that the voters permanently residing in a foreign state have not voted several times and that the voters permanently residing in a foreign state who voted in Estonia have been entered in the list of voters permanently residing in a foreign state.

(3) If a voter permanently residing in a foreign state has voted several times with a ballot paper or if he or she has not been entered in the list of voters permanently residing in a foreign state, the National Electoral Committee shall not take into account any of the envelopes with ballot papers of the voter. If a voter has voted using electronic means as well as with a ballot paper, the ballot paper of the voter shall be taken into account. If a voter has voted several times with a ballot paper and using electronic means, all envelopes with ballot papers of the voter as well as the vote cast foreign mission shall not be taken into account.

(4) The National Electoral Committee shall designate a county electoral committee for each electoral district which shall ascertain the voting results of voters permanently residing in a foreign state.

(5) The National Electoral Committee shall forward the ballot papers of voters permanently residing in a foreign state to the electoral committee designated in subsection (4) of this section not later than on the second day before election day.

(6) Envelopes with the ballot papers of voters permanently residing in a foreign state shall remain in the county electoral committee and they shall be opened on election day in order to ascertain the voting results.

(7) Not later than on the day before election day, the National Electoral Committee shall forward the envelopes with the ballot papers of voters temporarily staying in a foreign state to the corresponding voting district committees where the ballots are to be taken into account when the voting results are being ascertained pursuant to the provisions of subsections 48 (4)-(7) of this Act.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

#### **§ 56. Voting on board ship flying national flag of Estonia and located in international waters or waters of foreign state**

(1) If a ship flying the national flag of Estonia which has voters on board is located in international waters or waters of a foreign state on advance voting days or election day, the master of the ship may submit an application to the National Electoral Committee to hold voting on board the ship.

(2) The master of a ship shall organise voting on board the ship pursuant to the provisions of this Act. A voter shall vote on board a ship pursuant to the provisions of subsections 42 (3) and (4) of this Act. Upon ascertaining of the voting results, votes cast on board a ship shall be taken into account pursuant to the provisions of subsections 55 (1) and (7) and subsections 48 (4)-(7) of this Act.

## **Chapter 9**

# ASCERTAINING OF VOTING RESULTS AND ELECTION RESULTS

## § 57. Ascertaining of voting results in voting district committee

(1) A voting district committee shall open the ballot boxes after the close of voting. More than one-half of the members of the voting district committee shall be present at the opening.  
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(2) Before the ballot boxes are opened, the voting district committee shall count and cancel all ballot papers that were not issued to voters and all spoiled ballot papers returned by voters. Ballot papers shall be cancelled by cutting off a corner of the ballot paper.

(3) Before the ballot boxes are opened, the voting district committee shall ascertain, on the basis of the list of voters, the number of voters, and, on the basis of the signatures given in receipt of a ballot paper and notations made, the preliminary number of those who participated in the voting, and immediately forward them to the National Electoral Committee. Notations concerning voters who voted in the advance voting outside the voting district of their residence, using electronic means or at home made in the list of voters shall be considered. The number of voters shall be entered in a standard format record.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

(4) When a ballot box is opened, the condition of the impression of the seal on the box shall be inspected.

(5) An impression of the seal of the voting district committee shall be put on the outside of ballot papers of home voters, and the ballot papers shall be placed among the ballot papers of voters who voted at the polling place.

(6) An impression of the seal of the voting district committee shall be put on the outside of ballot papers of voters who voted outside the voting district of their residence, and these ballot papers shall be placed together with the ballot papers of persons who voted at the advance voting among the ballot papers of persons who voted on election day.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(7) The voting district committee shall ascertain the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers and the number of votes cast for candidates and political parties, and shall enter these numbers in a standard format record.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

(8) A ballot paper shall be deemed to be invalid if:

- 1) it does not bear two impressions of the seal of the voting district committee,
- 2) no candidate registration number or more than one candidate registration number has been written on the ballot paper,
- 3) the candidate whose number is written on the ballot paper is not standing in the electoral district,
- 4) the candidate registration number written on the ballot paper has been corrected, or
- 5) the candidate registration number written on the ballot paper is illegible.

(9) If no candidate registration number has been written on a ballot paper but the will of the voter is clear and unambiguous, the ballot paper is deemed to be valid.

(10) A standard format record shall be prepared concerning the ascertaining of the voting results. The chairman of the committee shall sign the record. The date and time of preparation of the record shall be indicated in the record.

(11) After ascertaining of the voting results, valid ballot papers shall be packed by candidate. Invalid ballot papers, ballot papers which were not issued to voters and spoiled ballot papers returned by voters shall be packed separately. The voting district from which the ballot papers originate and the type and number of ballot papers in the packet shall be noted on each packet. The chairman of the voting district committee shall sign the notation.

(12) Ballot papers, lists of voters, records concerning the voting results and any dissenting opinions of members of the committee shall be promptly delivered to the county electoral committee.

(13) Voting results shall be ascertained publicly in a voting district committee.

## **§ 58. Counting of votes cast in advance voting**

[Repealed - RT I, 01.11.2012, 1 - entry into force 11.11.2012]

## **§ 59. Ascertaining of voting results of voters permanently residing in foreign state**

(1) The county electoral committee designated in subsection 55 (4) of this Act shall begin counting the votes cast by voters permanently residing in a foreign state at 7 p.m. on election day. At least three members of the county electoral committee shall be present at the opening of the envelopes, including the chairman or deputy chairman of the committee.

(2) The inner envelopes which contain the ballot papers of voters permanently residing in a foreign state shall be opened and an impression of the seal shall be put on the outside of the ballot papers.

(3) On the basis of the ballot papers, the county electoral committee shall ascertain the number of voters permanently residing in a foreign state who participated in the voting, the number of invalid ballot papers and the number of votes cast for candidates and political parties. Ballot papers shall be declared invalid pursuant to the provisions of subsections 57 (8) and (9) of this Act.

(4) The voting results of voters permanently residing in a foreign state shall not be disclosed before 8 p.m.

(5) A standard format record shall be prepared concerning ascertaining of the voting results of voters permanently residing in a foreign state. The chairman of the committee shall sign the record. The date and time of preparation of the record shall be indicated in the record.

(6) The voting results of voters permanently residing in a foreign state shall be ascertained publicly. Persons who are present at the counting of votes shall follow any oral orders given by members of the county electoral committee. Persons who are present at the counting of votes shall not bring any means of communication into the room where the votes are counted or leave the room before 8 p.m.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

## **§ 60. Ascertaining of voting results in county electoral committees**

(1) On the basis of the records received from the voting district committees, the county electoral committees shall ascertain the number of voters entered in the lists, the number of voters who were given a ballot paper, the number of ballot papers extracted from the ballot boxes, including the number of invalid ballot papers, and the number of votes cast for candidates and political parties, and shall enter these numbers in a standard format record. The result obtained shall be checked by recounting the ballot papers.

(2) If the numbers obtained by recounting the ballot papers are different from the numbers in the records of a voting district committee, the county electoral committee shall set out the differences and the circumstances which caused such differences in the appendix to the record. Records of the voting district committee shall not be amended. The county electoral committee shall adopt a resolution concerning the final voting results.

(3) A county electoral committee shall prepare a record concerning the voting results in the county, in each electoral district in Tallinn and in the city of Tartu which shall be signed by the chairman of the committee. The date and time of preparation of the record shall be indicated in the record.

(4) The voting results shall be ascertained in a county electoral committee in public.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

## **§ 60<sup>1</sup>. Counting of votes cast using electronic means**

(1) The Electronic Voting Committee shall verify the results of electronic voting on election day after 7 p.m.

(2) At least one-half of the members of the Electronic Voting Committee and the National Electoral Committee, including the chairmen or deputy chairmen of the committees, shall be present at the counting of votes.

(3) Prior to the counting of electronic votes:

1) the Electronic Voting Committee shall annul on the basis of a notice specified in subsections 48<sup>7</sup>(4) and (5) of this Act the electronic votes, which have been changed by the ballot papers when voting;

2) the Electronic Voting Committee shall separate the electronic votes subject to counting from the personal data of the voters.

(4) The National Electoral Committee shall open the electronic votes using the vote-opening key provided for in subsection 48<sup>3</sup>(3) of this Act.

(5) The Electronic Voting Committee shall verify the following in each electoral district:

1) the number of voters who participated in electronic voting;

2) the number of invalid electronic votes;

3) the number of electronic votes annulled pursuant to the procedure provided for in clause (3) 1) of this section;

4) the number of electronic votes cast for candidates and political parties.

(6) An electronic vote which does not contain the registration number of the candidate in the electoral district of the residence of the voter or which is not in conformity with the standard format established by the National Electoral Committee shall be null and void.

(7) Counting of votes cast using electronic means shall be public. Persons who are present at the counting of votes shall follow the oral orders of the members of the Electronic Voting Committee. Persons who are present at the counting of votes shall not bring any means of communication into the room where the votes are counted or leave the room before 8 p.m.

(8) Voting results shall not be disclosed before 8 p.m.

(9) The chairman of the Electronic Voting Committee shall sign the results of the electronic voting.

(10) The chairman of the Electronic Voting Committee shall enter the voting results in the election information system immediately.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

### **§ 61. Ascertaining of voting results in National Electoral Committee**

(1) On the basis of the records concerning the voting results of voters in counties and voters permanently residing in a foreign state which are received from the county electoral committees and on the basis of the voting results of voters who voted using electronic means, the National Electoral Committee shall, for each electoral district, verify the number of voters entered in the lists of voters, the number of voters who were given a ballot paper, the number of voters who participated in voting, the number of invalid ballot papers and the number of votes cast for candidates and political parties.

(2) The National Electoral Committee shall prepare a record concerning the voting results which shall be signed by the chairman of the Committee. The date and time of preparation of the record shall be indicated in the record.

(3) [Repealed - RT I 2006, 30, 231 - entry into force 14.07.2006]

(4) The ascertaining of the voting results in the National Electoral Committee shall be public.

### **§ 62. Ascertaining of election results**

(1) A simple quota shall be calculated for each electoral district, which shall be obtained by dividing the number of valid votes cast in the electoral district by the number of mandates in the district.

(2) A candidate in favour of whom the number of votes cast exceeds or equals the simple quota is elected.

(3) In the lists of candidates of those political parties in an electoral district whose candidates receive at least 5 per cent of the votes nationally, the candidates shall be ranked according to the number of votes cast for each candidate. The votes cast for candidates standing in the list of candidates of the same political party in an electoral district shall be totalled. A political party shall be given as many mandates as the number of times by which the number of votes it receives in the electoral district exceeds the simple quota. Mandates obtained pursuant to subsection (2) of this section are also deemed to be mandates of a political party. The number of mandates of a political party shall be increased by one if the remaining votes total at least 75 per cent of the simple quota. A political party shall also be given a mandate if the number of votes is at least 75 per cent of the simple quota. The candidates positioned further towards the top of the list for whom the number of votes cast amounts to at least 10 per cent of the simple quota are elected. If at least two candidates receive an equal number of votes, the candidate who is positioned further towards the top of the national list of candidates shall be elected.

(4) Mandates which are not distributed in electoral districts on the basis of a simple quota shall be distributed as compensation mandates between the political parties whose candidates receive at least 5 per cent of the votes nationally.

(5) The compensation mandates shall be distributed using a modified d'Hondt distribution method with the distribution series of 1,  $2^{0.9}$ ,  $3^{0.9}$ ,  $4^{0.9}$ , etc. In calculating the comparative figure for each political party, as many first elements of the series shall be omitted as the number of mandates obtained by the political party in the electoral districts. If the comparative figures of at least two political parties are equal, the political party whose candidates are further towards the bottom of the consolidated list of candidates in the electoral district shall be given the mandate.

(6) The candidate who is positioned further towards the top of the list and for whom the number of votes cast amounts at least 5 per cent of the simple quota shall be given a compensation mandate in the national list of candidates. Upon the distribution of mandates, the candidates who were elected in electoral districts shall be omitted.

(7) If, upon the distribution of compensation mandates, it becomes evident that there are not enough candidates in the national list of candidates for whom the number of votes cast amounts at least 5 per cent of the simple quota of his or her electoral district, the candidate of the same list who has received the highest percentage of votes of the simple quota of his or her electoral district shall be given a compensation mandate. In the event of an equal number of votes, the candidate who is positioned further towards the top of the list submitted shall be given a compensation mandate.

(8) No political party shall be given more mandates than there are candidates in its list.

(9) If a resolution to register a candidate of a political party is revoked (subsection 32 (5)), the votes cast for him or her in a foreign state shall be retained by that political party. The votes of a candidate who dies after the start of the advance voting shall also be retained by the political party. If the registration decision of an independent candidate is annulled or an independent candidate dies, votes cast in favour of the candidate shall not be taken into account in the ascertaining of election results.

(10) The National Electoral Committee shall prepare a record concerning the election results which shall be signed by the Chairman of the Committee. The date and time of preparation of the record shall be indicated in the record.

(11) Election results shall be ascertained in the National Electoral Committee in public.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

## **Chapter 10**

# **SPECIFICATIONS FOR EXTRAORDINARY RIIGIKOGU ELECTIONS**

### **§ 63. Specifications for extraordinary Riigikogu elections**

(1) Extraordinary Riigikogu elections shall be held in accordance with this Act, taking into account the specifications provided for in this Chapter.

(2) The National Electoral Committee shall, by a Resolution, establish the following terms for acts concerning extraordinary elections to the Riigikogu:

- 1) submission of the number of Estonian citizens with the right to vote (subsection 7 (3));
- 2) amendment of the division of voting districts (subsections 8 (3) and (4));
- 3) formation of voting district committees (§ 18);
- 4) sending of voter's cards (§ 21);
- 5) submission of the list of political parties (subsection 26 (2));
- 6) nomination of candidates (§ 30);
- 7) registration of candidates (§ 32);
- 7<sup>1</sup>) time of advance voting (subsection 38 (2));
- 8) sending of voter's cards to voters temporarily residing in a foreign state (subsection 49 (5));
- 9) submission of applications to vote by post to foreign missions (§ 50);
- 10) receipt of ballot papers of voting by post (subsection 52 (2));
- 11) time of voting at foreign missions (subsection 54 (2)).

(3) In the event of extraordinary Riigikogu elections, a total of at least ten days shall be provided for the nomination and registration of candidates.

(4) In the event of extraordinary elections, voters shall be entered in the list of the voting district in the territory of which their residence, as entered in the population register, is located on the date when elections are called. If the address details of the residence of a voter are entered in the population register to the accuracy of the rural municipality or city, or to the accuracy of the city district in Tallinn, the voter shall be entered in the list of voters of a voting district determined pursuant to clause 8 (2) 5) of this Act.

[RT I 2004, 6, 32 - entry into force 14.02.2004]

## **Chapter 11**

# **ELECTION EXPENDITURE**

### **§ 64. Expenditure for organisation of elections**

(1) Expenses incurred in the preparation and organisation of Riigikogu elections shall be covered from the state budget.

(2) The National Electoral Committee shall prepare a draft budget for election expenditure.

(3) The National Electoral Committee shall decide on the distribution of budget expenditure on the basis of the size of the allocations from the state budget.

(4) Expenditure relating to the registration of voters (Chapter 5) shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of Internal Affairs.

(5) Expenditure related to the organisation of voting in a foreign state shall be covered from the state budget out of separate funds allocated to the budget of the Ministry of Foreign Affairs.  
[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

#### **§ 65. Report on financing of election campaign of political party and independent candidate**

[Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

#### **§ 66. Funds used for election campaign**

[Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

#### **§ 67. Expenditure for election campaign**

[Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **Chapter 12 COMPLAINTS**

#### **§ 68. Definition of complaint**

For the purposes of this Act, a complaint is a request for a resolution of an electoral committee to be reviewed and declared invalid or for an act of an electoral committee to be declared unlawful which is filed with a county electoral committee or the National Electoral Committee and is prepared according to the requirements of this Act.

#### **§ 69. Requirements for complaint**

(1) A complaint shall be prepared in writing and shall set out the following:

- 1) the name of the body with which the complaint is filed;
- 2) the name, postal address and telecommunications numbers of the complainant;
- 3) information concerning the contested resolution or the description of the contested act;
- 4) a clearly expressed request;
- 5) the reasons for the complaint;
- 6) the date.

(2) A complaint shall be signed by the complainant. A complaint from a political party shall be signed by the authorised representative of the political party.

(3) If a complaint is not in conformity with the requirements prescribed in subsections (1) and (2) of this section or the complaint is filed in violation of the procedure prescribed in §§ 70 and 71 of this Act, the body with which the complaint is filed may refuse to review the complaint and may return it to the complainant.

#### **§ 70. Procedure for filing complaint against act of voting district committee and for review of complaint**

(1) If an individual, a candidate or a political party (hereinafter *interested person*) finds that an act of a voting district committee violates his or her rights, the person may file a complaint with the county electoral committee.

(2) The complaint shall be filed with the county electoral committee within three days as of the act prescribed in subsection (1) of this section being performed.

(3) The county electoral committee shall review the complaint and adopt a resolution thereon within five working days as of receipt of the complaint. The county electoral committee shall promptly communicate the resolution to the complainant.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(4) The complaint shall be reviewed in public. The county electoral committee shall notify the complainant of the time and place of review of the complaint.

(5) The county electoral committee shall adopt one of the following resolutions:

- 1) to dismiss the complaint;
- 2) to satisfy the complaint;
- 3) to satisfy the complaint partially.

(6) If a county electoral committee satisfies the complaint, the committee may decide to perform the acts specified in subsection 17 (2) of this Act.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

#### **§ 71. Procedure for filing complaint against resolution or act of county electoral committee or act of Electronic Voting Committee and for review of complaint**

(1) If an interested person finds that a resolution or act of a county electoral committee or an act of the Electronic Voting Committee violates his or her rights, the person may file a complaint with the National Electoral Committee. A person whose complaint against an act of a voting district committee is dismissed by a county electoral committee may file a complaint against the act of the voting district committee with the National Electoral Committee.

(2) The complaint shall be filed with the county electoral committee which adopted the resolution or performed the act against which the complaint is filed or which reviewed the complaint filed against an act within three days as of the resolution or act prescribed in subsection (1) of this section being adopted or performed. The county electoral committee shall forward the complaint together with its written explanation promptly to the National Electoral Committee.

(3) The complaint against an act of the Electronic Voting Committee shall be filed with the National Electoral Committee within three days as of the act prescribed in subsection (1) of this section being performed.

(4) The National Electoral Committee shall review the complaint and adopt a resolution within five working days as of receipt of the complaint. The National Electoral Committee shall promptly communicate the resolution to the complainant.

[RT I, 11.07.2014, 1 - entry into force 21.07.2014]

(5) The complaint shall be reviewed in public. The National Electoral Committee shall notify the complainant of the time and place of review of the complaint.

(6) The National Electoral Committee shall adopt one of the following resolutions:

- 1) to dismiss the complaint;
- 2) to satisfy the complaint;
- 3) to satisfy the complaint partially.

(7) If the National Electoral Committee satisfies the complaint, the Committee may decide to perform the acts listed in subsection 15 (2) of this Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 72. Filing of complaint against resolution or act of National Electoral Committee**

(1) If an interested person finds that an act of a voting district committee or the Electronic Voting Committee, a resolution or act of a county electoral committee or a resolution or act of the National Electoral Committee violates his or her rights, the person may file an appeal with the Supreme Court pursuant to the procedure prescribed in the Constitutional Review Court Procedure Act.

[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

(2) An appeal against a resolution or act of an electoral committee may be filed with the Supreme Court after adjudication of the matter in the National Electoral Committee. The appeal shall be filed with the Supreme Court through the National Electoral Committee within three days as of the resolution or act of the National Electoral Committee being announced or performed.

#### **§ 73. Declaration of invalidity of voting results**

(1) If the National Electoral Committee or the Supreme Court has declared the voting results in a voting district, an electoral district, a county, the city of Tallinn or Tartu or the state invalid, the National Electoral Committee shall determine a new date for the election and a repeat vote shall be held in the corresponding voting district, electoral district or county or in Tallinn or the city of Tartu or in the whole state. The results of Riigikogu elections shall be ascertained after the results of the repeat vote become clear.

(2) No repeat vote shall be held if the National Electoral Committee has declared the results of electronic voting invalid and has invited the persons who voted using electronic means to vote on election day pursuant to the procedure provided for in § 39 or § 46 of this Act.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

(3) The provisions of §§ 40-45 and 47 and Chapter 7<sup>1</sup> and 8 of this Act do not apply to a repeat vote.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

## **Chapter 12<sup>1</sup>** **LIABILITY**

[RT I 2003, 26, 156 - entry into force 21.03.2003]

### **§ 73<sup>1</sup>. Failure to submit information or materials or to comply with resolution of electoral committee**

(1) Failure to submit information or materials for the organisation of elections or failure to comply with a resolution of an electoral committee is punishable by a fine of up to 20 fine units.

(2) [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) Police authority shall conduct extra-judicial proceedings in the matters of misdemeanours provided for in subsection (1) of this section.  
[RT I 2009, 27, 165 - entry into force 01.01.2010]

### **§ 73<sup>2</sup>. Violation of restrictions established on outdoor political advertising** [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

### **§ 73<sup>3</sup>. Taking ballot paper out of polling place**

(1) Violation of the prohibition on taking ballot papers outside the polling place is punishable by a fine of up to 20 fine units.

(2) [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) Police authority shall conduct extra-judicial proceedings in the matters of misdemeanours provided for in subsection (1) of this section.  
[RT I 2009, 27, 165 - entry into force 01.01.2010]

## **Chapter 13** **Final Provisions**

### **§ 74. Registration of members of Riigikogu and declaration of election results**

(1) The National Electoral Committee shall, by a resolution, register the elected members of the Riigikogu after election day if the term for filing complaints and appeals with the National Electoral Committee and the Supreme Court has expired or if final resolutions have been adopted in respect of the complaints and appeals filed.

(2) In the case prescribed in § 73 of this Act, the National Electoral Committee shall register the elected members of the Riigikogu after the day of the repeat vote, taking into consideration the provisions of subsection (1) of this section.

(3) The election results are deemed to be declared on the date following publication of the resolution of the National Electoral Committee set out in subsection (1) or (2) of this section in the Riigi Teataja.

(4) If a candidate who is elected holds an office at the time of the declaration of the election results, which is incompatible with the office of a member of the Riigikogu, he or she must notify the National Electoral Committee, within five days after the date of declaration of election results, whether he or she wishes to participate in the work of the Riigikogu or wishes to continue in his or her current office and decline the mandate.

[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

### **§ 75. Registration of alternate members of Riigikogu**

(1) The National Electoral Committee shall register alternate members of the Riigikogu by a resolution. The National Electoral Committee shall forward the resolution to the Board of the Riigikogu.

(2) Alternate members shall be registered to the political parties whose candidates have collectively received at least 5 per cent of the valid votes nationally.

(3) Candidates shall be registered, by each electoral district, to political parties as alternate members for candidates who were elected in electoral districts and shall be ranked according to the number of votes received. If candidates receive an equal number of votes from the voters, the candidate who was positioned further towards the top of the list of candidates of the political party in the electoral district shall be positioned ahead. Unelected candidates for whom the number of votes cast amounts to at least 10 per cent of the simple quota of the electoral district shall be registered as alternate members.

(4) Unelected candidates for whom the number of votes cast amounts to at least 5 per cent of the simple quota of the electoral district shall be registered as alternate members for candidates who were elected on the basis of compensation mandates in the order specified in the national list of the political party, and thereafter the rest of the unelected candidates of the same political party shall be registered in the order of the percentage of votes calculated on the basis of the simple quota of the electoral district. If the percentage of votes of candidates is equal, the candidate who was positioned further towards the top of the national list of the political party shall be positioned ahead.

#### **§ 76. Registration of additional mandates**

(1) The table of comparative figures of political parties which is approved by a resolution of the National Electoral Committee shall be the basis for the distribution of additional mandates. The National Electoral Committee shall forward the resolution to the Board of the Riigikogu.

(2) The table of comparative figures sets out the comparative figures obtained for political parties (subsection 62 (5)) in size order, starting from the comparative figure which was the first not to be taken into account upon distribution of compensation mandates.

(3) If at least two comparative figures are equal, the comparative figure of the political party which received more votes from voters shall receive a higher ranking. If an equal number of votes have been cast for political parties, the political party whose candidates were positioned further towards the bottom of the consolidated list of candidates in the electoral district shall receive a higher ranking.  
[RT I 2006, 30, 231 - entry into force 14.07.2006]

#### **§ 77. Refund of security**

Security shall be refunded to an independent candidate or a political party if the candidate is elected or receives votes to the extent of at least one-half of the simple quota in the electoral district or if the candidates of the political party receive at least 5 per cent of the votes nationally. The National Electoral Committee shall transfer unrefunded security into state revenues.

#### **§ 77<sup>1</sup>. Preservation of ballot papers and election documents**

(1) The county electoral committee shall preserve the ballot papers for one month as of election day. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the county electoral committee shall organise the destruction of the ballot papers and document it.

(2) The Electronic Voting Committee shall preserve the electronic votes for one month as of election day. Following the expiry of the aforementioned term, but not earlier than the adoption of the final resolutions in respect to any complaints filed, the committee shall destroy the electronic votes, personal data of the voters contained in the electronic voting system and the key for opening the electronic votes.

(3) The records of voting results and election results shall be preserved permanently. Lists of voters shall be preserved permanently in the National Archives.

(4) The National Electoral Committee shall establish the procedure for the preservation of the records of voting results and election results and other election documents by a regulation provided for in clause 15 (5) 5) of this Act.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 78. Implementation of electronic voting**

Electronic voting shall not be implemented before 2005.

§ 79.–§ 85.[Omitted from this text.]

#### **§ 85<sup>1</sup>. Implementation of verification of electronic votes**

(1) The verification of electronic votes specified in § 48<sup>6</sup> of this Act shall not be implemented before 2015.

(2) Based on a resolution of the National Electoral Committee, to the extent specified therein, an experimental system may be implemented as of the local government council elections in 2013, which provides a voter with an opportunity to verify whether the application used for electronic voting has transferred the vote cast by the voter to the electronic voting system according to the voter's wish.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 85<sup>2</sup>. Beginning of authority of Electronic Voting Committee**

(1) The National Electoral Committee shall appoint the members and the chairman of the Electronic Voting Committee within one month as of the entry into force of § 17<sup>1</sup> of this Act.

(2) The authority of the Electronic Voting Committee shall begin as of the day following the appointment.  
[RT I, 01.11.2012, 1 - entry into force 11.11.2012]

#### **§ 86. Entry into force of Act**

This Act enters into force on the tenth day after publication in the *Riigi Teataja*, except for §§ 75 and 79 which enter into force on 2 March 2003.

#### **§ 85<sup>4</sup>. Authority of members of county electoral committee**

The authority of the members of the county electoral committees established in 2012 shall be extended until 31 December 2016.

[RT I, 06.05.2016, 1 - entry into force 16.05.2016]

#### **§ 86. Entry into force of Act**

This Act enters into force on the tenth day after publication in the *Riigi Teataja*, except for §§ 75 and 79 which enter into force on 2 March 2003.